

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pre Patent Application

Inventors: Galley et al.

Group: 1624

Serial No. 10/767,784, filed January 29, 2004
(Ref. No. 21453)

Examiner: Ward, Paul V.

For: **MALONAMIDE DERIVATIVES**

TERMINAL DISCLAIMER

Nutley, New Jersey 07110
July 24, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Hoffmann-La Roche Inc., a corporation of the State of New Jersey, having an office at 340 Kingsland Street, Nutley, New Jersey 07110, is the assignee of the entire right, title and interest in and to the invention described and claimed in the captioned application for Letters Patent of the United States, and in and to said application and in and to any and all Letters Patent of the United States which may issue from said application, by virtue of an Assignment by Guido Galley, Annick Goergler, Helmut Jacobsen, Eric Argirios Kitas, and Jens-Uwe Peters to F. Hoffmann-La Roche AG, recorded in the United States Patent and Trademark Office on March 30, 2005, at reel 015974, frame 0112; an Assignment by F. Hoffmann-La Roche AG to Hoffmann-La Roche Inc., recorded in the United States Patent and Trademark Office on March 30, 2005, at reel 015974, frame 0466.

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DEPOSIT ACCOUNT NO. 08-2525 OUR ORDER NO. <u>7664</u>

Hoffmann-La Roche Inc. hereby certifies that the evidentiary documents have been reviewed, and, to the best of Hoffmann-La Roche Inc.'s knowledge and belief, title to the captioned application is in Hoffmann-La Roche Inc.

Hoffmann-La Roche Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application which would extend beyond the expiration date, including any extension obtained under 35 U.S.C. 156, of U.S. Patent No. 7,160,875, issued January 9, 2007.

Hoffmann-La Roche Inc. further agrees that any patent so granted on the captioned application, together with any right to recover for its violation, shall be enforceable only for and during such period that the legal title to any patent granted on the captioned application shall be the same as the legal title to U.S. Patent No. 7,160,875, issued January 9, 2007. This agreement to run with any patent granted on the captioned application and to be binding upon the grantee, its successors or assigns.

Hoffmann-La Roche Inc. does not disclaim the terminal part of the term of any patent granted on the captioned application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 7,160,875, issued January 9, 2007, as presently shortened by any terminal disclaimer, in the event that said patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Hoffmann-La Roche Inc. makes the above disclaimer without prejudice to its rights to extend, under 35 U.S.C. 154-156, the term of any U.S. patent granted on the captioned application beyond the term provided by this Terminal Disclaimer.

Hoffmann-La Roche Inc. recognizes that a patent issuing on the instant application will naturally expire prior to the expiration date of U.S. Patent No. 7,160,875. However, this Terminal Disclaimer is filed to acknowledge the obligation to maintain common ownership of a patent issuing on the instant application and U.S. Patent No. 7,160,875.

The undersigned has authority to sign on behalf of Hoffmann-La Roche Inc. since he is an officer of Hoffmann-La Roche Inc.

The Commissioner is hereby authorized to charge the statutory fee of one hundred and thirty dollars (\$130.00) to Deposit Account No. 08-2525. The Commissioner is also authorized to charge any additional fees that may be required, or credit any over payment, to Account no. 08-2525.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Nutley, State of New Jersey, this 24th day of July, 2007.

HOFFMANN-LA ROCHE INC.

By: 

George W. Johnston
Vice President